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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,919	02/17/2004	Brian C. Kennedy	1206-001	9025

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EXAMINER

ALI, MOHAMMAD M

ART UNIT PAPER NUMBER

3744

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/779,919

Applicant(s)

KENNEDY, BRIAN C.

Examiner

Mohammad M. Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/17/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "timer" for claim 6, "liquid thermal transfer medium" for claims 14 and 19, "plurality of Peltier devices" for claim 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 8-10, 11 and 12 are rejected under 35 U.S.C. 102(a) as being anticipated by Luo (6,612,115). Luo discloses a method of conducting thermal energy comprising a temperature regulation system comprising a Peltier device having an active side and waste a cook vessel 3 in contact with the active size, the cook comprising a removable lid; and a waste side distribution system, wherein the Peltier 4 is located underneath the cook vessel 3 and the active side provides temperature regulation to the cook vessel 3, insulator housing 100, power supply/user interface (the device has to be make on/off is an user interface), a waste side heat sink 7, a hinge with the lid, plurality of Peltier devices (see Fig. 5). See Fig. 4, 5, 6 and 7 and column 2, line 35 to column 4, line 4. Regarding the disclosure, " cooking uncooked ingredients in the cook vessel until edible" is a functional recitation of the cook vessel it can be attained any cook vessel.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2- 5 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luo in view of Carmi et al., (5,060,479). Luo discloses the invention substantially as claimed as stated above. However, Luo does not disclose both heating and cooling by a Peltier device, conductive material having a concave shape matched to a convex portion of the cook vessel. Carmi et al., teach the use of a Peltier device 22 for both heating and cooling with a cook vessel 9; Carmi et al., also teach a thermally conductive material 21 having a concave shape matched to a convex portion of the cook vessel 9 for the purpose of cooking food. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cook vessel of Luo in view of Carmi et al., such that both heating and cooling Peltier device and concave shaped thermal conductive material matched with convex portion of

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the cook vessel could be provided in order to cook the food efficiently in a desired manner by heating or cooling.

Claims 6, 7, 11, 13, 15, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luo in view of Trombley et al., (6,244,165). Carmi et al., disclose the invention substantially as claimed as stated above except a timer, a temperature sensor, a remote interface and a controller. Trombley et al., teach the use of a timer (column 3, line 10), a temperature sensor 162, a remote interface (Fig. 6) and a microprocessor 163, food 99 in volume 120 is refrigerated by means 130 to refrigerate the food 99 in the volume 120 and is cooked by means 140 to cook the refrigerated food 99 in the volume 120 and or refrigerated the cooked food 99 (see column 2, lines 27-38) in a cooling heating food preparation system 100 with a an electronic or manual controls 160 for the purpose of cooling and heating food and controlling a food preparation remotely in a convenient way. Therefore, it would have been obvious to one having ordinary skill in the art at the time invention was made to modify the thermoelectric/Peltier cooking device of Luo in view of Trombley et al., such that a timer, a temperature sensor and a remote interface and cooling and heating or heating and cooling of food could be provided in order to preserve food and control food preparation remotely in a convenient way. Trombley also disclose insulator 111, remote control 164. See Fig. 1-2, 4, 6-7 and column 3, lines 7-44.

Claims 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luo in view of Kitagawa et al., (6,293,107). Luo discloses the invention

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substantially as claimed as stated above except a liquid thermal transfer medium.

Kitagawa et al., teach the use of a thermoelectric module with a heat radiating system comprising a circulating passage which includes a circulating pump having a liquid medium filled in the circulating passage (see column 1, lines 50-61) for the purpose of heat transfer through the liquid medium. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the thermoelectric/Peltier cooking device of Luo in view of Kitagawa et al., such that a liquid medium could be provided in order to transfer heat.

### ***Response to Arguments***

Applicant's arguments, see remarks pages 6-8, filed 8/16/06, with respect to the rejection(s) of claim(s) 1-13 under 102 and 103 rejections have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of new prior art in face of the amendments. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Regarding the argument, "Applicant believe that a skilled artisan would understand that the timer could be shown on the display 40 as seen in Fig. 1". It is not perceive able that how a timer can be shown on a display screen if its location is not defined. If it is so, the Applicant is requested to locate the timer in a Fig.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad M. Ali whose telephone number is (571) 272-4806. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
MOHAMMAD M. ALI  
PRIMARY EXAMINER



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